

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT PONTE,

Plaintiff,

Case No. 12-13901
Hon. Sean F. Cox

v.

CHASE BANK USA, N.A. et al.,

Defendants.

/

ORDER FOR CASE STATEMENT

The complaint in this case alleges a violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et. seq.

To assure compliance with Federal Rule of Civil Procedure 11, which requires reasonable inquiry, plaintiffs shall, within twenty days, file a Case Statement in separately numbered paragraphs as follows:

1. State whether the unlawful conduct complained of is in violation of 18 U.S.C. § 1962(a), (b), (c), and/or (d).
2. For each defendant state the misconduct and basis of liability.
3. List each wrongdoer, other than named defendants, and state the misconduct of each such wrongdoer.
4. List each victim and state how each victim was injured.
5. Describe in detail the pattern of racketeering activity or collection of unlawful debts for each RICO claim. The description of the pattern of racketeering shall include the following:
 - a. The predicate acts and the specific statutes that were violated;
 - b. The dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;
 - c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the "circumstances constituting fraud or mistakes shall be stated with particularity." Fed. R. Civ. P. 9(b). Identify the time, place and contents of the misrepresentations, and the identity of persons to whom and by whom the misrepresentations were made;

- d. State whether there has been a criminal conviction for violation of the predicate acts;
- e. State whether civil litigation has resulted in a judgment in regard to the predicate acts;
- f. Describe how the predicate acts form a "pattern of racketeering activity;" and
- g. State whether the predicate acts relate to each other as part of a common plan. If so, describe the common plan in detail.

6. Describe in detail the enterprise for each RICO claim. The description of the enterprise shall include the following:

- a. State the names of the individuals, partnerships, corporations, associations, or other legal entities that constitute the enterprise;
- b. Describe the structure, purpose, function, and course of conduct of the enterprise;
- c. State whether any defendant is an employee, officer, or director of the enterprise;
- d. State whether any defendant is associated with the enterprise;
- e. State whether each defendant is an individual or entity separate from the enterprise, or whether the defendant is the enterprise itself or a member of the enterprise; and
- f. If any defendant is claimed to be the enterprise itself or a member of the enterprise, explain whether such defendant is a perpetrator, passive instrument, or victim of the racketeering activity.

7. Describe in detail whether the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. Describe the relationship between the activities of the enterprise and the pattern of racketeering activity. Describe how the racketeering activity differs from the usual and daily activities of the enterprise, if at all.

9. Describe what benefit, if any, the enterprise receives from the pattern of racketeering.
10. Describe the effect of the activities of the enterprise on interstate or foreign commerce.
11. If you allege a violation of 18 U.S.C. § 1962(a), provide the following information:
 - a. State who received the income derived from the pattern of racketeering activity or through the collection of any unlawful debt; and
 - b. Describe the use or investment of such income.

12. If you allege a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the enterprise.
13. If you allege a violation of 18 U.S.C. § 1962(c), provide the following information:
 - a. State who is employed by or associated with the enterprise;
 - b. State whether the same entity is both the liable "person" and the "enterprise" under § 1962(c).
14. If you allege a violation of 18 U.S.C. § 1962(d), describe in detail the conspiracy.
15. Describe the injury to business or property.
16. Describe the direct causal relationship between the injury and the violation of RICO.
17. List the damages sustained by reason of the violation of § 1962, indicating the estimated amount for which each defendant is liable.
18. List all other federal causes of action in the case.
19. List all pendent state claims in the case, if any.

SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: September 25, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 25, 2012, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager